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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,600

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Jeffrey F. Hatalsky

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35690

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09/02/2010

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.

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EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

09/02/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/696,600	Applicant(s) HATALSKY ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief filed on 05/07/2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection, in response to claim 5 arguments, is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621

Response to Arguments

2. Applicant's arguments with respect to claims 5, 12, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show bus 16 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 15-20 are objected to because of the following informalities: the claims recite “a computer-readable memory medium”. The specification discloses “storage medium” as opposed to “memory medium.” Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are directed to a computer readable medium containing computer executable instructions. In the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation; the scope of a "computer readable medium" covers a signal *per se*, which is non-statutory.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-6, 8-13, and 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Guedalia (US PAT. NO 6, 536, 043).

Regarding claim 1, Guedalia discloses a video-editing system comprising:

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a storage medium storing therein frames of progressively-encoded video stream, each frame including corresponding frame data (see figure 2, unit 35 and col. 26 lines 18-26 where the prior art teaches real-time encoding and encoding the bitmap into progressive partial frame);

a processing element in data communication with the storage medium (see figure 2 unit 35, 39 and 40), the processing element being configured to fetch frames of the video stream from storage medium, wherein the processing element is configured to fetch a dynamically-determined extent of the corresponding frame data for each of at least one of the frames in the video stream, including a first dynamically-determined extent of corresponding frame data for a first frame, wherein the first dynamically-determined extent is less than the entirety of the frame data for the first frame (see col. 26 lines 13-45, viewing parameters receives from the user, the encoded data continually streamed, see figure 7 which shows original frame and higher quality version; see also figure 4; see also figure 9 low, medium and high quality version; see also figure 14; see also col. 31 line 37-col. 32 line 14).

Regarding claim 2, Guedalia discloses the processing element comprises a decoder configured to transform the fetched frame data into a form suitable for display on a display device (see figure 2 decoder 36).

Regarding claim 3, Guedalia discloses the processing element is configured to execute an editing process for receiving instructions specifying the selected extents (see col. 4 lines 46-53 where the prior art teaches the mechanism determining which frames to send within each block may be controlled by the user; see col. 28 lines 10-24

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frames dynamically updated from client database; see col. 21 lines 47-62 where the prior art teaches user having a complete control).

Regarding claim 4, Guedalia discloses the processing element is configured to execute an editing process to the extents on the basis of traffic on a data transmission channel providing data communication between the processing element and the storage medium (see col. 25 lines 19-45 where the prior art teaches bandwidth connection of individual users and different qualities and col. 30 lines 24-33).

Regarding claim 5, Guedalia discloses in response to detection of a pause in displaying the video stream, the processing element is configured to execute an editing process to fetch previously unfetched portions of the frame data for currently displayed frame (see col. 26 lines 30-45 where the prior art teaches viewing parameters are same as those selected at some previous stage (referring to detection of a pause), the server does not need to render the same bitmap again; the quality of the image enhanced as additional partial frames integrated; user stay focused in single view (paused), additional partial frames stream in).

Regarding claim 6, Guedalia discloses the stored frame include wavelet transform encoded data (see col. 8 lines 37-38, col. 34 lines 24-31, where the prior art teaches using wavelet encoder, see also col. 7 lines 34-35).

Regarding claims 8 and 15, the limitation of claims 8 and 15 can be found in claims 1 and 2. Therefore claims 8 and 15 are analyzed and rejected for the same reasons as discussed in claims 1 and 2; see also user workstation unit in figure 4 which includes display and figures 4 and 7 which shows display of fetched frames).

Claims 9 and 16 are rejected for the same reasons as discussed in claim 6 above.

Claims 10 and 12-13 are rejected for the same reason as discussed in claims 3-5 respectively above.

Regarding claims 11 and 18, Guedalia discloses receiving an instruction specifying a desired image quality; and selecting an extent consistent with the desired image quality (see figure 9, which shows quality level, see col. 21 lines 47-63 user can vary (select) quality level, see col. 33 line 59-col. 34 line 13, and claim 1 rejection above).

Claims 17 and 19-20 are rejected for the same reason as discussed in claims 3-5 respectively above.

Regarding claim 21, Guedalia discloses the dynamically-determined extents of the corresponding frame data for the at least one of the frames in the video stream include varying extents of frame data (see figures 4 and 9 extent of the frame data is different, see also col. 21 lines 48-63, col. 30 lines 7-33, col. 31 lines 37-46).

Regarding claim 22, Guedalia discloses varying the extent of frame data fetched for different frames in the video stream (see figures 4 and 9 extent of the frame data is different, see also col. 21 lines 48-63, col. 30 lines 7-33, col. 31 line 37-col. 32 line 58).

Conclusion

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
August 28, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621

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